

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

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| NEAL K. OSTLER, Plaintiff, vs. SALT LAKE CITY CORPORATION, et al., Defendants. | MEMORANDUM DECISION AND ORDER DENYING PLAINTIFF'S PETITION FOR PERMISSION TO APPEAL, WITHOUT PREJUDICE Case No. 2:04-CV-627 TS |
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This matter comes before the Court on Plaintiff Ostler's Petition for Permission to Appeal. In his Petition, Ostler seeks to clarify whether he needs the Court's permission in order to appeal this Court's September 14, 2005 Order,¹ which dismisses a number of Defendants. Plaintiff has filed this Petition because Judge Campbell, in another case involving Ostler, has placed certain restrictions on Ostler's ability to proceed as a plaintiff against the State of Utah, its agencies, and its employees in this Court.²

Ostler states that this Court has dismissed all his claims against all Defendants in its September 14, 2005 Order and seeks to appeal that Order. The Court notes, however, that

¹Docket No. 68.

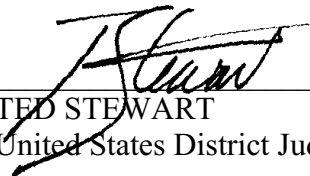
²Case No. 2:04-CV-435 TC (Docket No. 36).

although that Order did dispose of all of Ostler's claims against most Defendants, some Defendants were not included in that Order. Specifically, as noted in footnote one of the Court's September 14, 2005 Order, that Order did not apply to Defendants Rocky Anderson, Salt Lake Community College, and the Utah Department of Public Safety.³ Since the Court has not yet taken action on Ostler's claims against these Defendants, his Petition for Permission to Appeal is premature.

Therefore, the Court will DENY Ostler's Petition for Permission to Appeal (Docket No. 73), at this time, without prejudice. Ostler may re-file this Petition when this case has been finally decided.

DATED October 21, 2005.

BY THE COURT:



TED STEWART
United States District Judge

³The Court notes that all three of these Defendants have filed Motions to Dismiss which Ostler has failed to respond to.